

Mail Stop Interference  
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Paper 1  
Filed 9 August 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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YI LI  
and STEVEN M. RUBEN,

Patent 6,025,154,  
Junior Party

v.

CHRISTOPHE COMBADIÈRE  
and PHILIP M. MURPHY,

Application 10/846,185,  
Senior Party

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Patent Interference No. 105,828 (SGL)  
(Technology Center 1600)

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DECLARATION - Bd.R. 203(b)<sup>1</sup>

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

#### Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

#### Part B. Judge managing the interference

Administrative Patent Judge Sally Gardner Lane has been designated to manage the interference. Bd. R. 104(a).

#### Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

#### Part D. Initial conference call

A telephone conference call to discuss the interference is set for 27 September 2011 at 2:00 p.m. (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Inventors: YI LI, GAITHERSBURG, MD;  
STEVEN M. RUBEN, OLNEY, MD;

Patent: 6,025,154 issued 15 February 2000 from application  
08/466,343 filed 6 June 1995

Title: POLYNUCLEOTIDES ENCODING HUMAN G-PROTEIN  
CHEMOKINE RECEPTOR HDGMR 10

Real party in interest: Human Genome Sciences, Inc.

Senior Party

Inventors: CHRISTOPHE COMBADIÈRE, PARIS, FRANCE;  
PHILIP M. MURPHY, ROCKVILLE, MD;

Application: 10/846,185 filed 14 May 2004

Title: CC CHEMOKINE RECEPTOR 5 DNA, NEW ANIMAL  
MODELS AND THERAPEUTIC AGENTS FOR HIV  
INFECTION

Real party in interest: Department of Health and Human Service of the  
United States of America

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of Combadiere (10/846,185) or claim 1 of Li (6,025,154).

The claims of the parties are:

Li: 1-19

Combadiere: 1-20

The claims of the parties which correspond to Count 1 are:

Li: 1-19

Combadiere: 1-20

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Li: None

Combadiere: None

The parties are accorded the following benefit for Count 1:

Li: None

Combadiere: US 08/864,458 filed 28 May 1997

US 60/018,508 filed 28 May 1996

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,  
see SO & 106.1.1:

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally Gardner Lane/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Form PTO-850

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Li:

HUMAN GENOME SCIENCES INC.  
INTELLECTUAL PROPERTY DEPT.  
14200 Shady Grove Road  
Rockville, MD 20850

Attorney for Combadiere:

KLARQUIST SPARKMAN, LLP (OTT-NIH)  
121 S.W. Salmon Street, Suite #1600  
Portland, OR 97204-2988

105,828

## INTERFERENCE INITIAL MEMORANDUM

Count # \_\_\_\_\_

**To the Board of Patent Appeals and Interferences:**

An interference is proposed involving the following 2 parties

PARTY Combadiere et al	APPLICATION NO. 10/846,185	FILING DATE 14 May 2004	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not due yet				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
US	08/864,458	28 May 1997		
US	60/018,508	28 May 1996		
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS 1-20			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS			UNPATENTABLE PENDING CLAIMS	
PARTY Li et al	APPLICATION NO. 08/466,343	FILING DATE 06 June 1995	PATENT NO., IF ANY 6,025,154	ISSUE DATE, IF ANY 15 February 2000
If the involved case is a patent, have its maintenance fees been paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not due yet				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS 1-19			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS			UNPATENTABLE PENDING CLAIMS	
<i>(Check off each step, if applicable)</i> <b>INSTRUCTIONS</b>				
<input type="checkbox"/> 1. Obtain all files listed above. <input type="checkbox"/> 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970). <input type="checkbox"/> 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b). <input type="checkbox"/> 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)). <input type="checkbox"/> 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.				
DATE 28 June 2011	PRIMARY EXAMINER (Signature)		ART UNIT 1649	TELEPHONE NO. (571)272-0880
DATE 6/28/11	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature) <i>Charles Tszy</i>		TELEPHONE NO. 2-0562	